

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADVANCE TRUST & LIFE ESCROW
SERVICES, LTA AS NOMINEE OF LIFE
PARTNERS POSITION HOLDER TRUST,
and JAMES KENNEY, on behalf of
themselves and all others similarly situated,

Plaintiffs,

-v-

PHL VARIABLE LIFE INSURANCE
COMPANY,

Defendant.

No. 18-cv-3444 (MKV)
ORDER

MARY KAY VYSKOCIL, District Judge:

The Court is in receipt of the parties' letters regarding Plaintiffs' request for a pre-motion conference on their contemplated motion to compel third-party actual consultant Milliman, Inc. to produce documents withheld as privileged [ECF #144, 146, 149, 151, 153]. Having carefully reviewed the arguments set forth in the parties' letters, the Court finds that a pre-motion conference is not necessary and would not assist the Court in resolving Plaintiffs' contemplated motion. Accordingly, IT IS HEREBY ORDERED that Plaintiffs may file their motion to compel no later than May 14, 2020. Defendant shall respond by June 15, 2020, and Plaintiffs shall reply by June 29, 2020.

The Court is also in receipt of Plaintiffs' letters [ECF #143, 150] seeking leave to file under seal or in redacted form the following documents:

- A privilege log produced by Milliman on November 27, 2019;
- A redaction log produced by Milliman on December 4, 2019;

- A privilege log produced by Milliman on July 9, 2019;
- A redaction log produced by Milliman on February 28, 2020;
- An email produced in this case by Milliman with Bates numbers MI_ADV 008261–62;
- An engagement letter produced by Milliman with Bates numbers MI_ADV 010060–70;
- Defendant's responses to Plaintiffs' second set of interrogatories;
- Plaintiffs' February 20, 2020 letter requesting a pre-motion conference;
- Plaintiffs' March 6, 2020 reply letter;
- An email chain exchanged between Defendant's and Plaintiffs' counsel between October 8, 2019 and January 24, 2020; and
- An email chain exchanged between Milliman's and Plaintiffs' counsel between June 13, 2019 and July 10, 2019.

These documents contain information designated by one or more of the parties as confidential under the terms of the Protective Order and Confidentiality Agreement [ECF #64] that governs the handling of confidential material in this case. Accordingly, Plaintiffs' request to file under seal or in redacted form the documents listed above is GRANTED.

SO ORDERED

Dated: April 15, 2020
New York, New York


MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE